

<p>1 year.</p> <p>2 Q. You actually bought a Macintosh for your</p> <p>3 home?</p> <p>4 A. I did.</p> <p>5 Q. Did you use that to do work for Gavin</p> <p>6 Studio?</p> <p>7 A. Yes.</p> <p>8 Q. Had you used the Atari to do any work for</p> <p>9 Gavin Studio?</p> <p>10 A. Just bookkeeping.</p> <p>11 Q. You couldn't do any graphic work?</p> <p>12 A. No.</p> <p>13 Q. Before you got the Macintosh for your home</p> <p>14 to use for Gavin Studio, how would you do work for</p> <p>15 clients of Gavin Studio?</p> <p>16 A. Pen and ink and wax.</p> <p>17 Q. Which was the standard before computers?</p> <p>18 A. Standard before.</p> <p>19 Q. During the time period from the time you</p> <p>20 returned to the company in 1979 to early 2002, did</p> <p>21 you work a set work schedule?</p> <p>22 A. Set work schedule?</p> <p>23 Q. Yes.</p> <p>24 A. Unless they told me not to come in.</p>	<p>Page 154</p> <p>1 A. There were times I stayed.</p> <p>2 Q. Were there times you came in earlier than</p> <p>3 mid morning?</p> <p>4 A. Sometimes.</p> <p>5 Q. Were there times you came in later than mid</p> <p>6 morning?</p> <p>7 A. Sometimes.</p> <p>8 Q. Could you do that as you saw fit?</p> <p>9 A. I believe so, because I was given permission</p> <p>10 to.</p> <p>11 Q. By whom?</p> <p>12 A. Sandra Richardson.</p> <p>13 Q. Was she the head of the department at that</p> <p>14 time?</p> <p>15 A. Yes, she was.</p> <p>16 Q. And you also did work at home for Honeywell</p> <p>17 or Bull during this time period?</p> <p>18 A. Only early years when there was an</p> <p>19 overabundance of work that couldn't be done, I would</p> <p>20 take -- John Haskell would let me take some slide</p> <p>21 work home to work at night or weekends instead of</p> <p>22 giving it to another vendor who's somewhere else off</p> <p>23 site.</p> <p>24 Q. But is it fair to say that after that</p>
<p>Page 155</p> <p>1 Q. Okay. Would that happen that they would</p> <p>2 tell you not to come in?</p> <p>3 A. There were times when they said don't bother</p> <p>4 coming in for a few days or whatever.</p> <p>5 Q. Was there a time that you normally came in</p> <p>6 to work?</p> <p>7 A. Yes.</p> <p>8 Q. What time is that?</p> <p>9 A. Mid morning when we were in Billerica,</p> <p>10 because of the distance, the traffic.</p> <p>11 Q. You were coming from --</p> <p>12 A. Millis.</p> <p>13 Q. Millis at that time, okay. And mid morning,</p> <p>14 were you given flexibility as to what time you</p> <p>15 actually arrived?</p> <p>16 A. It was flexible.</p> <p>17 Q. How about the time of leaving?</p> <p>18 A. I would try to put a full day in. Sometimes</p> <p>19 I wouldn't, because there was nothing to do.</p> <p>20 Q. If you had nothing to do, you could leave?</p> <p>21 A. I could leave. Well, yes, that's fair to</p> <p>22 say.</p> <p>23 Q. Were there times when you had work to do and</p> <p>24 you stayed later than an eight-hour workday?</p>	<p>Page 155</p> <p>1 period, you didn't do work at home, because there</p> <p>2 wasn't the volume of work that required you to work</p> <p>3 at home?</p> <p>4 A. That's true. There just wasn't any work to</p> <p>5 take home.</p> <p>6 Q. Nobody told you, you couldn't do work at</p> <p>7 home; is that correct?</p> <p>8 A. Well, no, they didn't tell me I couldn't do</p> <p>9 work at home.</p> <p>10 Q. When --</p> <p>11 A. Can I correct that answer? Peter had told</p> <p>12 me he wanted me there, not off -- he wanted me on</p> <p>13 site, not off site.</p> <p>14 Q. Peter is who?</p> <p>15 A. Peter is the director of communications.</p> <p>16 Q. I just need his last name.</p> <p>17 A. Peter Stravropoulos.</p> <p>18 Q. When did he tell you this?</p> <p>19 A. Numerous times he told me that. One time I</p> <p>20 inquired directly about doing work at home. And he</p> <p>21 said, "No, I want you here in case somebody needs</p> <p>22 something."</p> <p>23 Q. Did he tell you that there were specific</p> <p>24 hours that you needed to be there?</p>

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<p>1 that on the top of page 14?</p> <p>2 A. I see it.</p> <p>3 Q. Had you ever heard the words contingent</p> <p>4 workforce division before?</p> <p>5 A. Yes.</p> <p>6 Q. When did you hear that?</p> <p>7 A. From Ted Lavash.</p> <p>8 Q. When was that?</p> <p>9 A. I'm not sure what year it was.</p> <p>10 Q. What did you understand the contingent</p> <p>11 workforce division to be?</p> <p>12 A. I wasn't really sure at the time.</p> <p>13 Q. Did you ask any questions about it?</p> <p>14 A. I didn't ask any questions about it.</p> <p>15 Q. What do you know about the contingent</p> <p>16 workforce division?</p> <p>17 A. That the company was changing its policy to</p> <p>18 workers.</p> <p>19 Q. Do you recall when that was?</p> <p>20 A. No, I don't. I don't remember the time of</p> <p>21 it, what year it was.</p> <p>22 Q. And your recollection was you heard it from</p> <p>23 Mr. Lavash?</p> <p>24 A. Yes.</p>	<p>1 A. I didn't.</p> <p>2 Q. We'll go to the next exhibit.</p> <p>3 (Exhibit 11 marked for identification)</p> <p>4 (Document exhibited to witness)</p> <p>5 Q. I show you -- I'm not going to show you.</p> <p>6 You already have in front of you, Mr. Gavin, what's</p> <p>7 been marked as Exhibit 11; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Have you seen that document before?</p> <p>10 A. Yes, I have.</p> <p>11 Q. Do you know what that is?</p> <p>12 A. I'm not sure what the technical term is.</p> <p>13 But, yes, I know what it is.</p> <p>14 Q. Is it your understanding that, that's the</p> <p>15 complaint which initiated the proceedings that bring</p> <p>16 us here today?</p> <p>17 A. I believe so.</p> <p>18 Q. Let me call your attention to page three,</p> <p>19 paragraph six.</p> <p>20 A. Okay.</p> <p>21 Q. The second sentence of paragraph six states,</p> <p>22 quote, upon information and belief, Bull</p> <p>23 intentionally did this to avoid the significant</p> <p>24 financial costs of providing Gavin with benefits to</p>

<p>1 Q. Did you have any discussion with him about</p> <p>2 your becoming employed in the contingent workforce</p> <p>3 division?</p> <p>4 A. No.</p> <p>5 Q. Did you have any discussion with anybody</p> <p>6 about that?</p> <p>7 A. No.</p> <p>8 Q. You've previously discussed a conversation</p> <p>9 you had with Linda Nidle about becoming an employee.</p> <p>10 I'm just trying to put them in context. Was that</p> <p>11 before or after your discussion with Mr. Lavash</p> <p>12 about the contingent workforce division?</p> <p>13 A. With Linda Nidle?</p> <p>14 Q. Yes.</p> <p>15 A. That was her discussion. She left the</p> <p>16 company long before this came up.</p> <p>17 Q. So you had no discussion with anyone at Bull</p> <p>18 about the contingent workforce division, other than</p> <p>19 your discussion with Mr. Lavash?</p> <p>20 A. Correct.</p> <p>21 Q. Is there anything else you remember about</p> <p>22 the discussion with Mr. Lavash?</p> <p>23 A. It was just a passing comment.</p> <p>24 Q. You didn't inquire further?</p>	<p>1 which he was entitled. Close quotes at that point.</p> <p>2 That refers to characterizing you as an independent</p> <p>3 contractor, correct?</p> <p>4 A. Yes.</p> <p>5 Q. What is the basis for your belief that Bull</p> <p>6 intentionally did this to avoid financial costs?</p> <p>7 A. Well, my belief is that the size of the</p> <p>8 company that Bull is, they would know what the legal</p> <p>9 aspects of hiring someone are.</p> <p>10 Q. Anything other than that?</p> <p>11 A. No, I don't believe so.</p> <p>12 Q. Is it your claim that the company did this</p> <p>13 intentionally to deprive you of benefits?</p> <p>14 A. I don't know that.</p> <p>15 Q. You don't know that?</p> <p>16 A. No.</p> <p>17 Q. You've testified already to your leaving the</p> <p>18 company and then coming back to work for Mr. -- I've</p> <p>19 lost track of his name, unfortunately.</p> <p>20 MS. HARRIS: Haskell.</p> <p>21 Q. Haskell, thank you. I may have already</p> <p>22 asked you this question, but when you came back, did</p> <p>23 you go to work at the same desk that you worked at</p> <p>24 before you left?</p>
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<p style="text-align: right;">Page 158</p> <p>1 A. He would have rather had me there 7 o'clock 2 in the morning. But that was impossible. 3 Q. Did he tell you that? 4 A. At one time he said, "Why don't you come in 5 at seven and leave at four." I said, "That's 6 impossible. There's no way I can do that." 7 Q. How long a commute was it for you from 8 Millis to Billerica? 9 A. An hour on a good day. 10 Q. I'm trying to get a time frame on when -- 11 I'm going to butcher his last name. 12 A. Stravropoulos. 13 Q. Mr. Stravropoulos told you he wanted you 14 there, can you put a time frame on that? 15 A. Again, that's got to be late '90's, 2000. 16 Q. But until then, nobody had told you that you 17 needed to be on site; is that correct? 18 A. It was a given. 19 Q. Well, let me ask the question this way. 20 Nobody told you, you had to be on site, correct? 21 A. Nobody told me directly, but there was no 22 other way to do it. 23 Q. Right. Is that because your clients were 24 internal clients?</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. After you moved to Billerica, you indicated 2 you had cubicles? 3 A. Yes. 4 Q. Did you have your own cubicle? 5 A. I did. 6 Q. By that point, did you have your own 7 computer or was that sometime after that? 8 A. Own computer at Bull? 9 Q. At Bull, yes. 10 A. I had my own computer in Waltham. 11 Q. Okay, you did, okay. 12 A. One of two. 13 Q. What's that? 14 A. One of two. 15 Q. You had two computers at Waltham? 16 A. No, one was assigned to me. 17 Q. Was that a Mac? 18 A. Yes. 19 Q. What was the other, was the other one a PC? 20 A. No, it was a Mac. 21 Q. Why did you have two Mac's assigned to you? 22 A. Only one was assigned to me. There were two 23 computers in the department. One was assigned to 24 me.</p>
<p style="text-align: right;">Page 159</p> <p>1 A. They were internal clients. 2 Q. In essence, your department provided a 3 service for other departments in the organization? 4 A. That's correct. 5 Q. Is it fair to say that your department 6 provided a service that those departments did not 7 have the capability to provide for themselves? 8 A. That's correct. 9 Q. You already mentioned you did some work for 10 human resources, for example; is that correct? 11 A. Correct. 12 Q. What other departments would you do work for 13 internally? 14 A. Probably all of them at one point or 15 another. 16 Q. Marketing? 17 A. Marketing. 18 Q. Manufacturing? 19 A. Payroll. 20 Q. Just about every department? 21 A. Everybody. 22 Q. You were a resource for those other 23 departments? 24 A. Yes.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. One was assigned only to you? 2 A. Only to me. 3 Q. Why was that? 4 A. I was the best in that department. 5 Q. So the other people who were doing graphic 6 arts work did not have their own computer? 7 A. Correct. At that time frame they were still 8 doing a mix of computer graphics and board work. 9 Q. Okay. Board work meaning the pre-computer? 10 A. Meaning on a drafting table pasting the wax 11 down, pasting the type down. 12 Q. Pre-historic work now? 13 A. Yeah. 14 Q. Let me call your attention to paragraph 15 eight of Exhibit Number 11, which states that Bull 16 provided you with the same templates, tools, 17 materials and equipment it provided those classified 18 as employees; do you see that? 19 A. I see that. 20 Q. Do you know what it meant by templates? 21 A. Templates we had pre-printed called blue 22 lines. They were pieces of heavy paper with a page 23 layout on it, and all the grid lines were where the 24 type goes, where the logo goes. It was a basic</p>